

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

FIRSTLIGHT HOME CARE FRANCHISING,
LLC,

Plaintiff,

v.

CARESMARTZ INC.,

Defendant.

**TEMPORARY
RESTRAINING ORDER**

6:21-CV-06524 EAW

For the reasons stated on the record at the appearance on August 10, 2021, it is hereby ORDERED that plaintiff FirstLight Home Care Franchising, LLC's ("Plaintiff") motion for a temporary restraining order (Dkt. 2) is granted; and it is further

ORDERED that, pending a hearing and determination of Plaintiff's request for a preliminary injunction, defendant CareSmartz, Inc. ("Defendant") is temporarily enjoined from terminating, discontinuing, failing to support, suspending, or otherwise altering the status quo with respect to Plaintiff's and its franchisees' use of and access to Defendant's CareSmartz360 cloud-based software application; and it is further

ORDERED that, as provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who receive actual notice of this Order by personal service or otherwise: (a) Defendant's officers, agents, servants, employees, and attorneys; and (b) other persons in active concert or participation with Defendant or with anyone described in (a); and it is further

ORDERED that a hearing on Plaintiff's request for a preliminary injunction is scheduled for Thursday, August 26, 2021, at 11:00 a.m., at the United States Courthouse, 100 State Street, Rochester, New York; and it is further

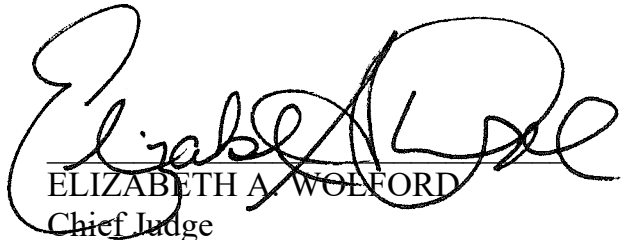
ORDERED that witness and exhibit lists for the preliminary injunction hearing as required by Local Rule of Civil Procedure 65(a)(4), as well as any further legal memoranda, shall be filed by no later than August 17, 2021; and it is further

ORDERED that the Court *sua sponte* exempts this matter from participation in this District's Alternative Dispute Resolution Plan, and instead orders that the parties engage in mediation before United States Magistrate Judge Mark W. Pedersen on August 20, 2021, at 9:30 a.m., consistent with any further instructions provided by Judge Pedersen; and it is further

ORDERED that, pursuant to Federal Rule of Civil Procedure 65(b)(2), the Court finds that there is good cause to extend the expiration of this Temporary Restraining Order to August 31, 2021, to allow for appropriate consideration of the record and the parties' submissions on Plaintiff's request for a preliminary injunction; and it is further

ORDERED that, pursuant to Federal Rule of Civil Procedure 65(c), Plaintiff is required to give security in the amount of \$10,500.00 to pay the costs and damages sustained by Defendant in the event Defendant is found to have been wrongfully restrained.

SO ORDERED.


ELIZABETH A. WOLFORD
Chief Judge
United States District Court

Dated: August 10, 2021
Rochester, New York